

1 **NEXUS BANKRUPTCY**
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8 Attorney for Debtor

9 **UNITED STATES BANKRUPTCY COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **RIVERSIDE DIVISION**

12 In re:

13 JARED HUNTER SCARTH

14 Debtor.

15 Case No: 6:23-bk-10960-WJ

16 Chapter 13

17 **NOTICE OF CONTINUANCE OF
18 STATUS CONFERENCE AND
19 CONFIRMATION HEARING**

20 **Hearing:**

21 Date: May 31, 2023

22 Time: 3:30 p.m.

23 Courtroom: 304

24 **ALL INTERESTED PARTIES, PLEASE TAKE NOTICE:**

25 The Status Conference that was previously scheduled for April 26, 2023 at 1:30 p.m. has
26 been continued to May 31, 2023 at 3:30 p.m. The Confirmation Hearing that was previously
27 scheduled for May 10, 2023 at 2:00 p.m. has been continued to May 31, 2023 at 3:30 p.m.

28 Further information about this continuance and other applicable procedures can be found
29 in the attached Scheduling Order entered on March 27, 2023 as docket #33.

30 Date: March 28, 2023

31 **NEXUS BANKRUPTCY**

32 
33 BENJAMIN HESTON,
34 Attorney for Debtor

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3 **FILED & ENTERED**
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6
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MAR 27 2023

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY gooch DEPUTY CLERK

8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 RIVERSIDE DIVISION

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12 In re: Case No.: 6:23-bk-10960-WJ
13 JARED HUNTER SCARTH CHAPTER 13

14 Debtor.

15 **SCHEDULING ORDER**

1 On March 27, 2023 at noon, the Court held a hearing regarding the motion of Prominence
2 Capital Partners, LLC (“PCP”) to dismiss this case for bad faith [docket #13]. All appearances
3 were noted on the record. For the reasons stated on the record, the Court continued the matter to
4 May 31, 2023 at 3:30 p.m. In addition, as discussed on the record, the Court continued the status
5 conference and confirmation hearing to May 31, 2023 at 3:30 p.m.

6

7 Accordingly, the Court hereby ORDERS as follows:

8

9 1. The status conference set for April 26, 2023 at 1:30 p.m. is hereby continued to
10 May 31, 2023 at 3:30 p.m. The confirmation hearing currently scheduled for May 10, 2023 at
11 2:00 p.m. is hereby continued to May 31, 2023 at 3:30 p.m. Counsel for the debtor shall file and
12 serve a notice of the continuance no later than March 30, 2023.

13

14 2. The hearing regarding the motion of PCP to dismiss this case is also continued to
15 May 31, 2023 at 3:30 p.m. PCP may file a supplemental brief in support of its dismissal motion
16 along with any opposition to confirmation of the chapter 13 plan no later than May 17, 2023. The
17 debtor may respond no later than May 24, 2023.

18

19 3. The meeting of creditors is currently scheduled for April 26, 2023. No later than
20 fourteen days prior to this meeting of creditors (and all future meetings of creditors), the debtor
21 shall comply with LBR 3015-1(m) and file and serve the secured debt payment history declaration
22 required in this case. This topic is discussed in section III(L) on pages 32-35 of the procedures
23 order in this case which counsel for the debtor should review.

24

25 4. If, after conducting the meeting of creditors, the trustee seeks dismissal of the case,
26 the trustee should file and serve a request to dismiss the case by April 28, 2023 either in the form
27 of (a) an objection to confirmation and a request to dismiss the case or (b) a motion to dismiss the
28 case. If the trustee does so, the deadline for the debtor to respond to any request by the trustee to

1 dismiss the case filed by April 28, 2023 (whether as an objection to confirmation and a request to
2 dismiss the case or a motion to dismiss the case) is May 5, 2023. Thereafter, the Court will review
3 the pleadings and, in most instances, rule on the motion.

4

5 5. If the case is not dismissed after the meeting of creditors, then the following
6 procedures apply:

7 (a) The trustee or any other party may file a motion to dismiss at any time or
8 any other motions and the deadline for the debtor to respond to such motions shall be
9 governed by the local rules.

10 (b) The debtor should file (no later than May 10, 2023) a secured debt payment
11 history declaration demonstrating that the debtor has made all monthly post-petition
12 mortgage payments from the petition date through May 2023.

13 (c) If the trustee supports confirmation then, after the debtor files the required
14 pleading, the chapter 13 trustee should file, no later than May 17, 2023, a pleading stating
15 as much and attach a worksheet with the proposed terms of confirmation. If the chapter 13
16 trustee does not support confirmation then, no later than May 17, 2023, the trustee should
17 file a motion requesting dismissal which states all grounds for dismissal and includes a
18 declaration in support of the motion. If the debtor has not made all post-petition mortgage
19 or rent payments for all post-petition months, the trustee normally requests dismissal of the
20 case. If, for any reason, the trustee does not do so, the proposed terms of confirmation must
21 (a) include provisions to cure all post-petition arrearages (as well as any pre-petition
22 arrearage) and (b) provide for conduit payments for the monthly payments for the rest of
23 the case.

24 (d) The deadline for the debtor to respond to the trustee's pleading is May 24,
25 2023. If the trustee seeks dismissal, the debtor should file an opposition brief to the
26 dismissal motion no later than May 24, 2023. If the trustee recommends confirmation, the
27 debtor should state whether the debtor agrees with the terms of confirmation proposed by
28 the trustee.

(e) The Court will review the pleadings and may issue a ruling without holding hearings on May 31, 2023 that (i) continues the matter, (ii) dismisses the case or (iii) grants other relief depending on various factors including, but not limited to, whether or not an agreement exists regarding confirmation, and whether or not the debtor has timely made payments and provided documents to the trustee during the case. If no order is entered prior to May 31, 2023, all parties should check the Court's posted calendar the day before May 31, 2023.

IT IS SO ORDERED.

###

Date: March 27, 2023

Wayne Johnson
Wayne Johnson
United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

100 Bayview Circle #100
Newport Beach, CA 92660

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF CONTINUANCE OF STATUS CONFERENCE AND CONFIRMATION HEARING** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 3/28/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Rod Danielson (TR) notice-efile@rodan13.com
Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com
Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
Ali Matin ali.matin@usdoj.gov, carolyn.k.howland@usdoj.gov
Valerie Smith claims@recoverycorp.com
United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov
Jennifer C Wong bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 3/28/2023 I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Judge Wayne E. Johnson
3420 Twelfth Street
Suite 384 / Courtroom 304
Riverside, CA 92501-3819

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) , I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed (state method for each person or entity served):

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/28/2023

Date

Benjamin Heston

Printed Name

/s/Benjamin Heston

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

CITI BANK / BEST BUY
50 NORTHWEST POINT BLVD
ELK GROVE VLG, IL 60007-1032

COUNTY OF RIVERSIDE
4080 LEMON ST
RIVERSIDE, CA 92501-3609

DEPT OF HOUSING AND
URBAN DEVELOPMENT
300 N LOS ANGELES ST STE 4054
LOS ANGELES, CA 90012-3308

DEPT OF TAX AND FEE
ADMINISTRATION
2480 HILBORN RD STE 200
FAIRFIELD, CA 94534-1820

MURRIETA SPRINGS RETAIL
GROUP, LLC
7251 ALMADEN LN
CARLSBAD, CA 92009

POWERSTONE PROPERTY
MANAGEMENT
PO BOX 15446
SANTA ANA, CA 92735-0446

PROMINENCE CAPITAL
PARTNERS, LLC
974 SANDSTONE DR
GLEN DORA, CA 91740-5392

VICTORIA CAROL SCARTH
31222 MANGROVE DR
TEMECULA, CA 92592-4176

WELLS FARGO HOME
MORTGAGE
PO BOX 10335
DES MOINES, IA 50306-0335

WESTERN STAR FINANCIAL
3845 10TH ST
RIVERSIDE, CA 92501-3519